



# California Regional Water Quality Control Board

## Santa Ana Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

January 9, 2009

California Brea Partners, LP  
c/o Bosc Equities  
Attention: Waad Nadhir  
719 Griswold Street, Suite 530  
Detroit, MI 48226

**AMENDMENT TO THE CLEAN WATER ACT SECTION 401 WATER QUALITY  
STANDARDS CERTIFICATION FOR THE LOFTUS CHANNEL MODIFICATION  
PROJECT, CITY OF BREA, ORANGE COUNTY (ACOE REFERENCE NO.  
200800232 – JPL)**

Dear Mr. Nadhir:

Thank you for your letter, dated December 17, 2008, requesting an amendment to the Clean Water Act Section 401 Water Quality Standards Certification ("Certification") issued for the Loftus Channel Modification Project in the City of Brea on August 8, 2008. Based on your December 17, 2008 letter, and a telephone discussion with your agent the same day, the requested amendment is to change the area of proposed discharge of fill from 0.28 acre to 0.628 acre.

As explained to Regional Board staff on December 17, 2008 and in your letter of the same date, the reason for the change is that the U.S. Army Corps of Engineers ("Corps") has exerted jurisdiction over a greater width of Loftus Channel for purposes of permitting under Clean Water Act Section 404, resulting in a discrepancy between the discharge proposed under the Corps' permit and the discharge authorized in the August 8, 2008 Certification. The requested change will correct this discrepancy. The length of the Loftus Channel that will be affected will remain unchanged.

In consideration of the above, the August 8, 2008 Certification is hereby amended to authorize the discharge of fill to 0.628 acre of Loftus Channel. The mitigation for the proposed fill was based upon the area of Loftus Channel under the jurisdiction of the Department of Fish and Game, which is substantially greater than that of the Corps and which remains unchanged. As a result, the mitigation proposed and conditioned in the August 8, 2008 Certification is acceptable for the increased area of fill.

***California Environmental Protection Agency***

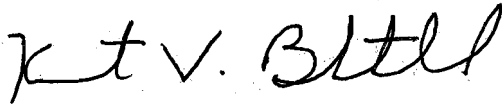


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January 9, 2009

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Bill Orme  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini  
and David Smith  
San Gabriel Mountain Regional Conservancy – Ann Croissant

APF:401/certifications/loftus channel (brea plaza) amndmnt 302008-02

